UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE

HEATH BETTAG)	
)	
v.)	NO. 3:05-CV-233
)	
BLOUNT COUNTY SHERIFF'S)	
DEP'T, OFFICER LATHAM,)	
SGT. SLAGLE, CAPT. DAN)	
NUBERT, CPL. BILL FANCIER,)	
CPL. RON MEYERS, and JAMES)	
BERRONG, Sheriff)	

ORDER OF JUDGMENT

In accordance with the accompanying memorandum and order, this *pro se* prisoner's civil rights action under 42 U.S.C. § 1983 is **DISMISSED without prejudice** for failure to exhaust administrative remedies. Should the plaintiff wish to appeal, he is **DENIED** leave to proceed *in forma pauperis* because any appeal in this matter would not be taken in good faith and would be frivolous. *See* 28 U.S.C. § 1915(a)(3).

ENTER:

s/Thomas W. Phillips
UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT

s/ Patricia L. McNutt

CLERK OF COURT